

FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIACLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Magistrate Case No. 08 MJ 2451

UNITED STATES OF AMERICA,)
 Plaintiff,)
 v.)
 Adam Christopher INCE (D1))
 and)
 Juan Jose HERNANDEZ (D2))
 Defendants.)
 _____)

COMPLAINT FOR VIOLATION OFTitle 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien(s)
Without Presentation

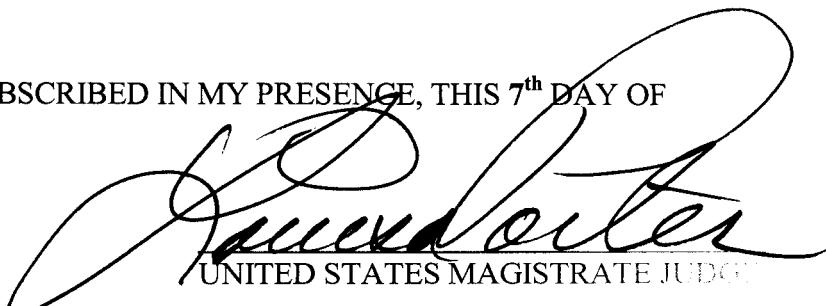
The undersigned complainant being duly sworn states:

On or about **August 6, 2008**, within the Southern District of California, defendants **Adam Christopher INCE (D1)** and **Juan Jose HERNANDEZ (D2)**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Viridiana LAZARO-Ayala**, had not received prior official authorization to come to and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated point of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 Alfredo Loperena, Enforcement Officer
 U.S. Customs and Border Protection

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7th DAY OF AUGUST, 2008.


 UNITED STATES MAGISTRATE JUDGE

AUGUST
8-6-08

PROBABLE CAUSE STATEMENT

The complaints states that **Viridiana LAZARO-Ayala** is a citizen of a county other than the United States; that said alien has admitted she is deportable; that her testimony is material; that is impracticable to secure her attendance at the trial thereof by subpoena; and is a material witness in relation to this criminal charge and should be held or admitted to bail as prescribed in Title 18, United States Code, Section 3144.

On August 6, 2008, at approximately 0105 hours, **Adam Christopher INCE (D1)** applied for entry into the United States through the San Ysidro California Port of Entry driving a 1988 Buick Regal Custom. D1 presented two military active duty identification cards and one California drivers license to a primary Customs and Border Protection (CBP) Officer. Present with D1 in the vehicle was, **Juan Jose HERNANDEZ (D2)** seated in the front passenger seat. D1 stated their purpose for traveling to Mexico was to eat tacos. Upon further questioning, the CBP officer questioned D1 as to vehicle ownership and D2 responded the vehicle belonged to his uncle. D2 handed the CBP officer a title bearing the name, Charlton Garrick as the registered owner of the vehicle. The CBP officer asked D2 to provide his uncle's name, D2 was unable to provide the name and advised the CBP officer that the name was on the title. The CBP officer questioned D1 and D2 their intended destination, D1 and D2 replied they were traveling to the Naval Base in San Diego. The CBP officer conducted further inspection and discovered a person underneath the rear seat. D1, D2 and the vehicle were escorted to vehicle secondary for further inspection.

During secondary inspection, CBP Officer's discovered one female who had been concealed underneath the rear bench seat. Upon removing the rear bench seat, CBP officers noticed that the female's head was inside a cut out portion of the passenger right side quarter panel and the females feet were inside a cut out portion of the driver side quarter panel. CBP officers noticed the plastic molding of the passenger right side quarter panel covered the females head and was around her neck and noticed that the plastic molding of the driver side quarter panel covered the female's feet and was around her ankles. The female was not able to freely move her head and CBP officers had to assist the female out from the compartment. The female is now identified as Material Witness, **Viridiana LAZARO Ayala (MW)**.

During a videotaped interview, D2 was advised of his Miranda Rights. D2 acknowledged his rights and elected to answer questions without an attorney present. D2 admitted to the smuggling the alien. D2 also admitted that he and D1 were to be paid \$1,000.00 U.S. dollars to drive the vehicle to "H" Street in Chula Vista, California and smuggle the alien into the United States. D2 admitted he had full knowledge of the concealed person under the rear seat.

A separate videotaped interview was conducted with MW. MW admitted she is a citizen and native of Mexico with no legal documents to enter the United States. MW stated her friend Olivia made her smuggling arrangements. MW stated she was traveling to Los Angeles, California to seek employment. MW stated she was going to pay \$4,000 U.S. dollars to be smuggled into the United States.